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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,428	11/26/2001	James Lewis Van Welzen	P000048/2302P	7486

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EXAMINER

JONES, HEATHER RAE

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,428	VAN WELZEN ET AL.	
	Examiner	Art Unit	
	Heather R. Jones	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because Fig. 4 the boldface type to show which frames are being displayed cannot be deciphered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2616

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (U.S. Patent 6,952,521) in view of Lane (U.S. Patent 6,031,960).

Regarding claim 1, Kelly et al. discloses a DVD system that updates timestamps (col. 16, lines 1-14). However, Kelly et al. fails to disclose the method comprising: (a) calculating an instantaneous frame rate; (b) adjusting a timestamp of a frame based on the calculated instantaneous; and (c) displaying the frame according to the adjusted timestamp.

Referring to the Lane reference, Lane discloses a method for performing smooth search transitions in a video tape recorder, the method comprising: (a) calculating an instantaneous frame rate; (b) adjusting a timestamp of a frame based on the calculated instantaneous; and (c) displaying the frame according to the adjusted timestamp (col. 3, lines 40-58; col. 9 line 35 – col. 10, line 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made have updated the timestamps as disclosed by Lane in the DVD system disclosed by Kelly et al. in order to correct the timing information contained in a bitstream so that it conforms to MPEG standards during trick playback operation.

Regarding claim 2, Kelly et al. in view of Lane discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that

calculating further comprises determining a change in rate between a current frame rate and a new frame rate (Lane: col. 9, line 44 – col. 10, line 9).

Regarding claim 3, Kelly et al. in view of Lane discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as determining a transition interval for the change in rate (Lane: col. 9, lines 60-62; col. 10, lines 7-10).

Regarding claim 4, Kelly et al. in view of Lane discloses all the limitations as previously discussed with respect to claims 1-3 as well as disclosing that the transition interval further comprises an interval sufficient to maintain audio and video synchronization (Lane: col. 1, lines 56-60).

Regarding claim 5, Kelly et al. discloses a DVD system that updates timestamps (col. 16, lines 1-14) along with a display device (14) for displaying frames. However, Kelly et al. fails to disclose a decoding engine for calculating an instantaneous frame rate, adjusting a timestamp of a frame based on the calculated instantaneous; and providing the frame to the display device according to the adjusted timestamp.

Referring to the Lane reference, Lane discloses a video tape recorder with smooth search transitions capabilities, the system comprising: a display device for displaying frames (col. 4, lines 64-67); a decoding engine for calculating an instantaneous frame rate, adjusting a timestamp of a frame based on the calculated instantaneous; and providing the frame to the display device

according to the adjusted timestamp (col. 3, lines 40-58; col. 9 line 35 – col. 10, line 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made have updated the timestamps as disclosed by Lane in the DVD system disclosed by Kelly et al. in order to correct the timing information contained in a bitstream so that it conforms to MPEG standards during trick playback operation.

Regarding claims **6-8**, grounds for rejecting claims 2-4 apply for claims 6-8 in their entireties.

Regarding claim **9**, Kelly et al. in view of Lane discloses all the limitations as previously discussed with respect to claim 5, but fails to disclose that the DVD player system further comprises a PC-based DVD player. Official Notice is taken that it would have been obvious to one of ordinary skill in the art that the DVD player system further comprises a PC-based DVD player. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed the DVD player system as disclosed by Lane in view of Kelly et al. into a PC in order to provide a better DVD player system in those apparatuses.

Regarding claims **10-13**, these are computer readable medium claims corresponding to the method claims 1-4. Therefore, claims 10-13 are analyzed and rejected as previously discussed with respect to claims 1-4. Furthermore, Lane discloses the bitstream corrector circuit (220) uses an algorithm to compute

the updated timestamps (col. 11, lines 53-55), which are inherently stored on a medium.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Jones
Examiner
Art Unit 2616

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HRJ

March 6, 2006

MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER

TC 2600

Mehrdad Dastouri